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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SCOTT FRIEDMAN, an individual,)
)
Plaintiff,)
)
v.)
)
UNITED STATES OF AMERICA;)
GENE M. TIERNEY, individually and)
in his official capacity as an FBI Agent;)
MATTHEW A. ZITO, individually and)
in his official capacity as an FBI Agent;)
THAYNE A. LARSON, individually and)
in his official capacity as an FBI Agent;)
LAS VEGAS METROPOLITAN)
POLICE DEPARTMENT; JOE LEPORE,)
P#6260, individually and in his official)
capacity as an officer of the LAS VEGAS)
METROPOLITAN POLICE)
DEPARTMENT; DARREN HEINER,)
P#2609, individually and in his official)
capacity as an officer of the LAS VEGAS)
METROPOLITAN POLICE)
DEPARTMENT; JASON HAHN, P#3371,)

Case No. 2:18-CV-000857-JCM-VCF

**STIPULATION AND ORDER TO
DEFER BRIEFING ON THE UNITED
STATES' MOTION TO DISMISS [ECF
No. 39]**

(First Request)

1 individually and in his official capacity)
2 as an officer of the LAS VEGAS)
3 METROPOLITAN POLICE)
4 DEPARTMENT; Tali Arik, an individual;)
5 Julie Bolton, an individual; and Arik)
6 Ventures, an entity formed by Tali Arik,)
7 Defendants.)
8)
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IT IS HEREBY STIPULATED and AGREED by and between Defendant the United States of America, by and through GREG ADDINGTON, Assistant United States Attorney, and Plaintiff SCOTT FRIEDMAN, by and through his counsel, MELANIE A. HILL and LISA A. RASMUSSEN, that the briefing on the United States' Motion to Dismiss [ECF No. 39] be deferred. This Stipulation is executed for the following reasons:

1. AUSA Addington filed a Motion to Dismiss [ECF No. 39] on behalf of the United States *only* on July 26, 2018 and Plaintiffs response is due on August 9, 2018.
2. After filing his Motion to Dismiss on behalf of the United States, AUSA Addington was assigned to represent the three FBI agents named as Defendants in the Complaint, GENE M. TIERNEY, MATTHEW A. ZITO, and THAYNE A. LARSON (hereinafter referred to collectively as the "FBI agents").
3. The parties have agreed that AUSA Addington has until August 27, 2018 to file a responsive pleading on behalf of the FBI agents. AUSA Addington has informed counsel for Plaintiff that he intends to file a Motion to Dismiss on behalf of the FBI agents on or before August 27, 2018.
4. The parties are therefore requesting that the Court defer briefing on the pending Motion to Dismiss [ECF No. 39] filed on behalf of the United States *only* to allow a Motion to Dismiss to be filed on behalf of the FBI agents. At that time, the parties will submit a proposed briefing scheduled for the two Motions to Dismiss so that the Motions can continue on the same motion briefing track. The parties are expecting to avoid unnecessary duplication of effort in the briefing of the United States'

1 Motion to Dismiss and the anticipated motion to be filed in behalf of the FBI agents
2 and thereby prevent the wasting of resources for the Court and the parties by
3 streamlining the litigation.

- 4 5. The request for additional time in this Stipulation is made in good faith and not for
5 the purposes of delay.

6 Dated this 8th day of August, 2018.

7 Respectfully submitted by,

8
9 DAYLE ELIESON
10 UNITED STATES ATTORNEY

MELANIE HILL LAW PLLC

11 By: /s/ Greg Addington
12 GREG ADDINGTON
13 Assistant U.S. Attorney

By: /s/ Melanie A. Hill
MELANIE A. HILL
Attorney for Plaintiff Scott Friedman


14 LAW OFFICE OF LISA RASMUSSEN, P.C.

15
16 By: /s/ Lisa A. Rasmussen
17 LISA A. RASMUSSEN
18 Attorney for Plaintiff Scott Friedman

19 **ORDER**

20 IT IS SO ORDERED.

21 Dated August 10, 2018.

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23 _____
24 JAMES C. MAHAN
25 UNITED STATES DISTRICT JUDGE
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